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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL A. SHAFFER,

Plaintiff

v.

SUSAN GRAYBILL AS AN
INDIVIDUAL AND AS
ADMINISTRATRIX OF THE
ESTATE OF DENNIS M.
GRAYBILL,
MINUTEMAN PRESS
INTERNATIONAL, INC.,
and ROBERT EMMETT,

Defendants

CIVIL ACTION NO. 01-CV-1065
JUDGE SYLVIA H. RAMBO

FILED
HARRISBURG, PA

JUL 16 2001

MARY E. D'ANDREA, CLERK
Per Deputy Clerk

MOTION TO DISMISS

Defendants Susan Graybill, individual and Susan Graybill, as Executrix of the Estate of Dennis M. Graybill (collectively the "Moving Defendants"), move this Court, pursuant to Fed.R.Civ.P. 12(b)(6), to dismiss the civil action filed by Michael A. Shaffer (the "Plaintiff") for Plaintiff's violation of an indemnity and

hold harmless agreement between the parties. In the alternative, Moving Defendants move this Court to dismiss Plaintiff's Complaint and First Amended Complaint pursuant to Fed.R.Civ.P. 12(b)(6), and for an award of their attorney's fees and costs associated with the filing of this Motion. In further support of this Motion, Moving Defendants hereby incorporate by reference their Memorandum of Law and the Exhibits thereto pursuant to Fed.R.Civ.P. 10(c).

Wherefore, Defendants Susan Graybill, individual and Susan Graybill, as Executrix of the Estate of Dennis M. Graybill, request that the Court grant their Motion to Dismiss in the form of order attached; dismissing Plaintiff's claims with prejudice; and awarding Susan Graybill, individual and Susan Graybill, as Executrix of the Estate of Dennis M. Graybill their attorney's fees and costs in this matter.

Respectfully submitted,



Charles Rees Brown
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Attorney for Defendants Susan Graybill, individual and Susan Graybill, Executrix of the Estate of Dennis M. Graybill.

Dated: July 16, 2001

CERTIFICATE OF SERVICE

I, Charles Rees Brown, hereby certify that on this 16th day of July, 2001, I caused a copy of the foregoing Motion to Dismiss and Memorandum of Law in support of the Motion to Dismiss to be served by first class mail, postage prepaid, upon the following counsel of record:

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